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AIRLINES REPORTING CORPORATION

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

AIRLINES REPORTING CORPORATION,

Plaintiff/Judgment Creditor,

V.

**COMMERCIAL TRAVEL CORPORATION
d/b/a MATLOCK TRAVEL, et al.,**

Defendants/Judgment Debtors.

Case No. 08-MC-00088

**REPLY TO OBJECTIONS TO
DECLARATIONS OF SUZANNE LEWIS
AND DEBORAH ERICKSON IN
OPPOSITION TO MOTION TO VACATE
JUDGMENT**

Date: July 25, 2008

Time: 10:00 a.m.

Ctrm: 1, 4th Floor

Judge: Hon. Irma E. Gonzalez

Plaintiff/Judgment Creditor AIRLINES REPORTING CORPORATION (Plaintiff “ARC”) submits the following Reply to Evidentiary Objections in Opposition to Defendant/Judgment Debtor MARIO RENDA’s (Defendant “Renda”) Motion to Vacate Judgment based upon the following facts and law.

DECLARATION OF SUZANNE LEWIS

1. Evidence:

Page 2, paragraph 3, lines 1-3 and Exhibit "A."

Defendant's Objection:

Hearsay, lacks foundation, irrelevant. Ms. Lewis lacks the personal knowledge necessary to authenticate Exhibit A.

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1 **Reply to Objection:**

2 Impeachment, party admission; authenticated through testimony of declarant.

3 **Evidence:**

4 Page 2, paragraph 4, lines 4-5 and Exhibit "B."

5 **Defendant's Objection:**

6 Hearsay, lacks foundation, irrelevant. Ms. Lewis lacks the personal knowledge necessary to
7 authenticate Exhibit B.

8 **Reply to Objection:**

9 Impeachment, party admission; authenticated through testimony of declarant.

10 **Evidence:**

11 Page 2, paragraph 5, lines 5-7 and Exhibit "C."

12 **Defendant's Objection:**

13 Hearsay, lacks foundation, irrelevant. Ms. Lewis lacks the personal knowledge necessary to
14 authenticate Exhibit C.

15 **Reply to Objection:**

16 Impeachment, party admission; authenticated through testimony of declarant.

17 **Evidence:**

18 Page 2, paragraph 6, lines 7-10 and Exhibit "D."

19 **Defendant's Objection:**

20 Hearsay, lacks foundation, irrelevant. Ms. Lewis lacks the personal knowledge necessary to
21 authenticate Exhibit D.

22 **Reply to Objection:**

23 Impeachment, party admission; authenticated through testimony of declarant.

24 **Evidence:**

25 Page 2, paragraph 7, lines 10-12 and Exhibit "E."

26 **Defendant's Objection:**

27 Hearsay, lacks foundation, irrelevant, Federal Rules of Evidence, Rule 403.

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1 **Reply to Objection:**

2 Federal Rules of Evidence, Rule 803(6).

3 **6. Evidence:**

4 Page 2, paragraph 8, lines 12-14 and Exhibit "F."

5 **Defendant's Objection:**

6 Hearsay, lacks foundation, irrelevant, FRCP [sic], Rule 403. Ms. Lewis lacks the personal
7 knowledge necessary to authenticate Exhibit F.

8 **Reply to Objection:**

9 Impeachment, authenticated through testimony of declarant.

10 **7. Evidence:**

11 Page 2, paragraph 10, lines 17-19 and Exhibit "G."

12 **Defendant's Objection:**

13 Hearsay, lacks foundation, irrelevant. Ms. Lewis lacks the personal knowledge necessary to
14 authenticate Exhibit F.

15 **Reply to Objection:**

16 Impeachment, authenticated through testimony of declarant.

17 **8. Evidence:**

18 Page 3, paragraph 13, lines 1-8.

19 **Defendant's Objection:**

20 Hearsay, lacks foundation, irrelevant. Ms. Lewis concedes in this paragraph that she lacks
21 personal knowledge necessary to testify to the truth of the matters she asserts in the paragraph.

22 **Reply to Objection:**

23 Foundation, declarant is entity agent.

24 **9. Evidence:**

25 Page 3, paragraph 14, lines 8-11.

26 **Defendant's Objection:**

27 Hearsay, lacks foundation, best evidence. Ms. Lewis concedes that she lacks the personal
28 knowledge necessary to five admissible testimony concerning the matters she asserts in paragraph 14.

1 **Reply to Objection:**

2 Foundation, declarant is entity agent.

3 **10. Evidence:**

4 Page 3, paragraph 15, lines 11-15.

5 **Defendant's Objection:**

6 Lacks foundation, hearsay, irrelevant.

7 **Reply to Objection:**

8 Impeachment, authenticated through testimony of declarant.

9 **11. Evidence:**

10 Page 3, paragraph 15, lines 15-17.

11 **Defendant's Objection:**

12 Lacks foundation, hearsay, irrelevant.

13 **Reply to Objection:**

14 Impeachment, authenticated through testimony of declarant.

15 **12. Evidence:**

16 Page 3, paragraph 15, lines 17-19.

17 **Defendant's Objection:**

18 Lacks foundation, hearsay, irrelevant.

19 **Reply to Objection:**

20 Impeachment, authenticated through testimony of declarant.

21 **13. Evidence:**

22 Page 3, paragraph 15, lines 19-21.

23 **Defendant's Objection:**

24 Lacks foundation, hearsay, irrelevant.

25 **Reply to Objection:**

26 Impeachment, authenticated through testimony of declarant.

27 **14. Evidence:**

28 Page 3, paragraph 15, lines 21-27.

1 **Defendant's Objection:**

2 Lacks foundation, hearsay, irrelevant.

3 **Reply to Objection:**

4 Impeachment, authenticated through testimony of declarant.

5 **15. Evidence:**

6 Page 3, paragraph 15, line 28 - page 4, paragraph 15, line 2.

7 **Defendant's Objection:**

8 Lacks foundation, hearsay, irrelevant.

9 **Reply to Objection:**

10 Impeachment, authenticated through testimony of declarant.

11 **16. Evidence:**

12 Page 4, paragraph 16, line 2-5.

13 **Defendant's Objection:**

14 Hearsay, lacks foundation, best evidence, inadmissible opinion testimony, argumentative. There
 15 is no evidence before this Court that Mr. RENDA submitted or caused to be submitted any type of
 16 report or communication to ARC.

17 **Reply to Objection:**

18 Impeachment, misstates facts.

19 **17. Evidence:**

20 Page 4, paragraph 17, line 5-14.

21 **Defendant's Objection:**

22 Hearsay, lacks foundation, best evidence, inadmissible opinion testimony, argumentative. Ms.
 23 Lewis concedes that she lacks the personal knowledge necessary to provide admissible testimony under
 24 oath concerning the matters she has asserted in paragraph 17.

25 **Reply to Objection:**

26 Impeachment, agent of entity, misstates facts.

27 **18. Evidence:**

28 Page 4, paragraph 18, line 14-19.

1 **Defendant's Objection:**

2 Hearsay, lacks foundation, best evidence, inadmissible opinion testimony, argumentative. Ms.
 3 Lewis concedes that she lacks the personal knowledge necessary to provide admissible testimony
 4 concerning the matters she asserts in paragraph 18.

5 **Reply to Objection:**

6 Impeachment, misstates facts.

7 **19. Evidence:**

8 Page 4, paragraph 19, line 19-25.

9 **Defendant's Objection:**

10 Hearsay, lacks foundation, best evidence, inadmissible opinion testimony, argumentative.

11 **Reply to Objection:**

12 Impeachment, misstates facts.

13 **20. Evidence:**

14 Page 4, paragraph 20, line 25 - page 5, paragraph 20, line 7.

15 **Defendant's Objection:**

16 Hearsay, lacks foundation, best evidence, inadmissible opinion testimony, argumentative.

17 **Reply to Objection:**

18 Impeachment, misstates facts.

19 **21. Evidence:**

20 Page 5, paragraph 21, lines 9-11.

21 **Defendant's Objection:**

22 Hearsay, lacks foundation, best evidence, inadmissible opinion testimony, argumentative.

23 **Reply to Objection:**

24 Impeachment, misstates facts.

25 **22. Evidence:**

26 Page 5, paragraph 22, lines 13-16.

27 **Defendant's Objection:**

28 Hearsay, lacks foundation, best evidence. Ms. Lewis misstates the court's ruling concerning

1 whether personal jurisdiction existed over Mr. RENDA. The court did not determine "without
 2 prejudice" that personal jurisdiction did not exist. The court made a final ruling, and dismissed the case
 3 without prejudice for a lack of personal jurisdiction.

4 **Reply to Objection:**

5 Foundation. Misstates facts. The Order dismissing Defendant Renda for lack of personal
 6 jurisdiction was entered without prejudice.

7 **23. Evidence:**

8 Page 5, paragraph 23, lines 16-24.

9 **Defendant's Objection:**

10 Irrelevant, lacks foundation, best evidence, inadmissible opinion testimony, argumentative. Ms.
 11 Lewis' opinions concerning evidence she supposedly acquired is irrelevant and she has misstated the
 12 court's ruling, which dismissed Anthony Renda on May 26, 2006.

13 **Reply to Objection:**

14 Declarant has personal knowledge of the facts asserted.

15 **24. Evidence:**

16 Page 5, paragraph 24, line 24 - page 6, paragraph 24, line 11.

17 **Defendant's Objection:**

18 Irrelevant, lacks foundation, inadmissible opinion testimony, hearsay. Ms. Lewis' personal
 19 opinion concerning whether the relevant facts are the same in the case at bar as in the *Uniglobe* case
 20 is irrelevant. Moreover, the purported facts that Ms. Lewis recites in this paragraph are irrelevant to
 21 the issues of collateral estoppel and personal jurisdiction.

22 **Reply to Objection:**

23 Agent of entity, misstates the law.

24 **DECLARATION OF DEBORAH ERICKSON**

25 **1. Evidence:**

26 Page 2, paragraph 5, lines 11-13.

27 **Defendant's Objection:**

28 Irrelevant, lacks foundation, inadmissible opinion testimony.

Reply to Objection:

Declarant has personal knowledge of the facts asserted.

2. Evidence:

Page 2, paragraph 6, lines 14-25.

Defendant's Objection:

Irrelevant, lacks foundation, hearsay.

Reply to Objection:

Declarant has personal knowledge of the facts asserted.

Respectfully submitted,

SAMPSON & ASSOCIATES

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